

HOUSE BILL NO. 651

INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO OFF-HIGHWAY VEHICLES AND QUADRICYCLES; REVISING THE LOCATIONS WHERE OFF-HIGHWAY VEHICLE AND QUADRICYCLE OPERATION IS ALLOWED; PROVIDING THAT AN OFF-HIGHWAY VEHICLE MAY NOT BE OPERATED ON A STREET OR HIGHWAY WITH LIMITED EXCEPTIONS; PROVIDING THAT A QUADRICYCLE MAY NOT BE OPERATED ON A PAVED ROAD WITH LIMITED EXCEPTIONS; REVISING THE REGISTRATION FEE FOR QUADRICYCLES; REVISING THE FUND TRANSFER FOR QUADRICYCLES; AMENDING SECTIONS 15-1-122, 23-2-802, 23-2-821, AND 61-3-321, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) \$75,000 in fiscal year 2003;~~

~~(b) \$0 in fiscal years 2004 and 2005;~~

~~(c)~~(a) \$3,050,205 in fiscal year 2006; and

~~(d)~~(b) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(a), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant

1 to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar
2 must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year
3 following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned
4 vehicle removal reimbursement during the calendar year following its payment must be used as provided in
5 75-10-532.

6 (b) to the noxious weed state special revenue account provided for in 80-7-816:

7 (i) \$1 in fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for which
8 the fee in lieu of tax is paid, as provided for in 23-2-803; and

9 (ii) for vehicles registered or reregistered pursuant to 61-3-321:

10 (A) \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle
11 weighing more than 1 ton, and motor home; and

12 (B) \$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle and \$1.83 for
13 each quadricycle; and

14 (C) \$7.50 for each permanently registered light vehicle;

15 (c) to the department of fish, wildlife, and parks:

16 (i) \$2.50 in fiscal year 2006 and, in each subsequent year, \$14.50 for each motorboat, sailboat, or
17 personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be
18 used to acquire and maintain pumpout equipment and other boat facilities;

19 (ii) \$5 in fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered under
20 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611,
21 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through
22 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of
23 snowmobile facilities;

24 (iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;

25 (iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal
26 issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the
27 money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a
28 comprehensive program and to plan appropriate off-highway vehicle recreational use;

29 (v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each
30 subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and

1 subject to the fee in 61-3-321;

2 (vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the
3 motorboat account to be used as provided in 23-2-533; and

4 (vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under
5 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with \$3.50 of the money used for state
6 parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at
7 Virginia City and Nevada City;

8 (d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license
9 plate subject to the fee in 61-3-459;

10 (e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709,
11 25 cents for each motor vehicle registered, other than:

12 (i) trailers or semitrailers registered in other jurisdictions and registered through a proportional
13 registration agreement; and

14 (ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;

15 (f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject
16 to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and
17 persons with disabilities transportation services account provided for in 7-14-112;

18 (g) to the search and rescue account provided for in 10-3-801:

19 (i) \$2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;

20 (ii) \$2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and
21 23-2-616(3); and

22 (iii) \$2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and

23 (h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special
24 revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

25 (4) For each fiscal year, the department of justice shall provide to the department of revenue a count
26 of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate
27 count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may
28 be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts
29 in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle
30 information is available. Vehicles that are permanently registered may be included in vehicle counts only in the

1 year in which the vehicles are registered by new owners.

2 (5) The amounts transferred from the general fund to the designated recipient must be appropriated
3 as state special revenue in the general appropriations act for the designated purposes."

4
5 **Section 2.** Section 23-2-802, MCA, is amended to read:

6 **"23-2-802. Exemptions.** ~~The Except for 23-2-821, the~~ provisions of this part do not apply to:

7 (1) an off-highway vehicle:

8 (a) owned or used by the United States or another state or an agency or political subdivision thereof;

9 (b) registered in a country other than the United States, temporarily used within this state for not more
10 than 30 days; or

11 (c) registered in another state of the United States, temporarily used within this state for not more than
12 30 days; or

13 (2) a licensed motorcycle or licensed quadricycle used for fishing and hiking access, camping, or
14 picnicking on a visible two-track trail or road within 1 mile of a designated road."

15
16 **Section 3.** Section 23-2-821, MCA, is amended to read:

17 **"23-2-821. ~~Off-highway~~ Unlawful operation of off-highway vehicles -- crossings of public roads**
18 **-- use of certain forest development roads.** (1) Except as provided in subsection (2), an off-highway vehicle
19 may make a direct crossing of a ~~public road~~ highway, as defined in 61-1-201, when the crossing is necessary
20 to get to another authorized area of operation. The crossing must be made at an angle of approximately 90
21 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The
22 off-highway vehicle must make a complete stop before entering upon any part of the traffic way, and the operator
23 shall yield the right-of-way to all oncoming traffic.

24 (2) ~~An Except as provided in subsection (4), an~~ off-highway vehicle may not be operated ~~on or~~:

25 ~~(a) on a street, as defined in 61-1-203, or on a highway; or~~

26 ~~(b) across a highway that is part of the federal-aid interstate system except as provided in subsection~~

27 ~~(1).~~

28 (3) An off-highway vehicle may be operated on or across a forest development road in this state, as
29 defined in 61-8-110, if the road has been designated and approved for off-highway vehicle use by the United
30 States forest service.

1 (4) An off-highway vehicle may be:

2 (a) temporarily operated on a highway when the operator of the off-highway vehicle is engaged in an
3 agricultural operation or is avoiding an obstruction;

4 (b) operated on the portion of a primary or secondary highway that has a posted speed limit of 45 miles
5 an hour or less; or

6 (c) operated in the barrow pit right-of-way of a public highway at a speed that does not exceed 35 miles
7 an hour.

8 (5) For the purposes of this section, "agricultural" has the meaning provided in 15-1-101."

9
10 **Section 4.** Section 61-3-321, MCA, is amended to read:

11 **"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees --**
12 **disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
13 registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this
14 chapter, as follows:

15 (a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year,~~ \$17;

16 (b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or
17 semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer
18 or semitrailer.

19 (c) motor vehicles registered pursuant to 61-3-411 that are:

20 (i) 2,850 pounds and over, \$10; and

21 (ii) under 2,850 pounds, \$5;

22 (d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each~~
23 ~~subsequent year,~~ \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway
24 vehicle.

25 (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of
26 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year,~~ \$22;

27 (f) logging trucks less than 1 ton, \$23.75;

28 (g) motor homes, \$22.25;

29 (h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates
30 issued under 61-3-415 and, \$11.25 for a motorcycle or quadricycle under one-time registration, ~~\$9.75 in calendar~~

1 ~~year 2004 and, in each subsequent year, \$11.25.~~ This fee is a one-time fee, except upon transfer of ownership
2 of a motorcycle ~~or quadricycle.~~

3 (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer
4 described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

5 (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in
6 other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or
7 semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer
8 or semitrailer.

9 (k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

10 (l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75.~~ If the
11 recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel
12 trailer.

13 (m) quadricycles, \$4.85 for a quadricycle with special license plates issued under 61-3-415 and \$5.60
14 for a quadricycle under one-time registration. This fee is a one-time fee, except upon transfer of ownership of
15 a quadricycle.

16 (2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally
17 registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year
18 is one-half of the regular fee.

19 (b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of
20 when the fees were last paid or if the fees were paid at all.

21 (3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under
22 61-3-415 and; an additional fee of \$16 for a motorcycle or quadricycle under one-time registration, ~~\$5 in calendar~~
23 ~~year 2004 and, in each subsequent year, \$16~~ must be collected for the registration of each motorcycle or
24 quadricycle as a safety fee and must be deposited in the state motorcycle safety account provided for in
25 20-25-1002.

26 (4) A fee of \$5 for each set of new number plates must be collected when number plates provided for
27 under 61-3-332(2) are issued.

28 (5) The provisions of this part with respect to the payment of registration fees do not apply to and are
29 not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of
30 America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

(8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made,

1 the fee may not be collected."

2
3 **NEW SECTION. Section 5. Quadricycle operating restrictions.** (1) Except as provided in subsection
4 (2), a quadricycle may not be operated on a paved street or paved road.

5 (2) (a) A quadricycle may make a direct crossing of a public highway when the crossing is necessary
6 to get to another authorized area of operation. The crossing must be made at an angle of approximately 90
7 degrees to the direction of traffic at a place where no obstruction prevents a quick and safe crossing. The
8 quadricycle must make a complete stop before entering upon any part of the traffic way, and the operator shall
9 yield the right-of-way to all oncoming traffic.

10 (b) A quadricycle may be temporarily operated on a highway when the operator of the quadricycle is
11 engaged in an agricultural operation or snow removal. For the purposes of this section, "agricultural" has the
12 meaning provided in 15-1-101.

13
14 **NEW SECTION. Section 6. Codification instruction.** [Section 5] is intended to be codified as an
15 integral part of Title 61, chapter 8, part 1, and the provisions of Title 61, chapter 8, part 1, apply to [section 5].

16
17 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2005.

18 - END -